

REMARKS

According to 37 CFR §1.116(b), amendments canceling claims may be made after a final action. Further, amendments presenting rejected claims in better form for consideration on appeal may be entered. The amendments above are submitted to cancel an unnecessary claim (claim 25) and to present other claims in a better form for appeal. Accordingly, entry of the amendments pursuant to 37 CFR §1.116(b) is respectfully requested.

Specifically, claim 25 has been canceled because it appears to be repetitive of the subject matter already claimed in claim 24. For instance, claim 24 encompasses an isolated DNA segment "comprising" a nucleotide sequence as defined in an open reading frame of Figure 2 or Figure 11A or 11B, and therefore encompasses nucleotide sequences "outside of" the open reading frame as recited in claim 25. Accordingly, claim 25 has been canceled. Claim 26 has been amended to depend on claim 24 rather than claim 25 in view of this amendment.

Claims 22, 24, 31 and 35 have been amended for grammatical purposes to include the word "a" prior to the phrase "mammalian GDF-1 protein." In addition, claim 24 has been amended to clarify that the isolated DNA segment comprises the nucleotide sequence rather than the GDF-1 protein.

Claims 28 and 29 have been amended for the sake of consistency to use the same spellings for the words "procaryotic" and "eucaryotic" as found in claims 13 and 14.

Claim 35 has been amended to encompass isolated DNA segments encoding a mammalian GDF-1 protein, wherein said DNA segment "consists essentially" of the open reading frame for GDF-1 as shown in Figure 2 or Figure 11A or Figure 11B. Thus, claim

35 has been amended to read on only the specific GDF-1 open reading frame sequences disclosed in the specification. In reviewing the prosecution history, it appears that applicant's intent was to make such an amendment in the Reply to Office Action filed October 19, 2001 (see discussion on page 7), however, the claim as amended in that paper was substantially identical to claim 24. In any case, since the amendment submitted above presents claim 35 in a better form for appeal, entry of the amendment at this time is respectfully requested.

The above amendments are submitted to clarify the claim language and resolve certain inconsistencies in claim language prior to appeal. No prohibited new matter has been added by way of any of these amendments. Entry is respectfully requested.

Except for issue fees payable under 37 CFR §1.18, the commissioner is hereby authorized by this paper to charge any additional fees during the pendency of this application including fees due under 37 CFR §1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 CFR §1.136(a)(3).

If the Examiner has any further questions relating to this Amendment or to the application in general, she is respectfully requested to contact the undersigned by telephone so that allowance of the present application may be expedited.

Respectfully submitted,



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APPENDIX

The following amendments were submitted above:

IN THE CLAIMS:

22. (Three Times Amended) An isolated DNA segment encoding a mammalian GDF-1 protein having the amino acid sequence defined in an open reading frame of Figure 2 or Figure 11A or Figure 11B.
24. (Amended) An isolated DNA segment encoding a mammalian GDF-1 protein, wherein said DNA segment comprises [comprising] a nucleotide sequence as defined in an open reading frame of Figure 2 or Figure 11A or Figure 11B.
26. (Amended) A recombinant DNA molecule comprising the isolated DNA segment according to claim 24 [25] operably linked to a vector.
28. (Amended) The host cell according to claim 27 wherein said cell is a procaryotic [prokaryotic] cell.
29. (Amended) The host cell according to claim 27 wherein said cell is a eucaryotic [eukaryotic] cell.
31. (Twice Amended) An isolated DNA segment encoding a mammalian GDF-1 protein which hybridizes to the nucleotide sequence defined in Figure 2 under

conditions of 68°C and 1M sodium chloride and which remains bound when subjected to washing at 68°C with 15 mM sodium chloride/1.5 mM sodium citrate.

35. (Twice Amended) An isolated DNA segment encoding a mammalian GDF-1 protein [which comprises], wherein said DNA segment consists essentially of the open reading frame for GDF-1 as shown in Figure 2 or Figure 11A or Figure 11B.